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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,100	04/26/2006	Mauro Pedretti	27793-00106USPX	8080
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DALLAS, TX 75201				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,100	Applicant(s) PEDRETTI ET AL.	
	Examiner PHI D. A	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,8-10,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,11-13,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of figures 2a-2b, 6, 8 and 11 to claims 1-2, 5-7, 11-13, 16-17 in the reply filed on 11/6/2009 is acknowledged.
2. Claims 3-4, 8-10, 14-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/6/2009.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-6, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan (7-173898).

Jap(.898, figures 2-3) shows a pneumatic support, comprising: a gas-tight, elongated hollow body (11) of a flexible material adapted to be pressurized with compressed gas; at least two bearing elements (11c, figure 3); wherein a first of the at least two load-bearing elements is operable to support a compression load; wherein a second of the at least two load-bearing elements is operable to support a tension load; wherein the at least two load-bearing elements are arranged spaced apart from each other around the hollow body such that, responsive to application of an operative load, the first of the at least two load-bearing elements is compressed and the second of the at least two load-bearing elements is tensioned;

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wherein the at least two load-bearing elements trace an arc when viewed in a first plane and trace a straight line when viewed in a second plane perpendicular to the first plane adjoin the hollow; wherein the hollow body has a tapered shape toward both of its ends; and wherein the at least two compression and tension load-bearing elements are positively connected to one another at their ends, wherein the at least two load-bearing elements are arranged around the hollow body in a rotationally symmetrical fashion, wherein the hollow body comprises an essentially circular cross section along a longitudinal axis, wherein the hollow body is divided into a plurality of chambers that can be pressurized transverse to the longitudinal axis, wherein the plurality of chambers extend over the entire cross-section of the hollow body (figure 2), wherein the pneumatic support can be utilized as support elements in building construction and civil engineering works, wherein the pneumatic support can be utilized as bridge supports, wherein a roadway construction is placed on an upper load-bearing of the at least two load-bearing elements element and fixed thereon (inherently capable of functioning as claimed), the outer cover of the hollow body is divided into a plurality of chambers by means of webs.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jap (7-173898).

Jap(.898) shows all the claimed limitations except for the plurality of chambers are pressurized to different degrees and subjected to a higher pressure toward the ends of the hollow body than towards a center of the hollow body.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Jap's disclosure to show the plurality of chambers are pressurized to different degrees and subjected to a higher pressure toward the ends of the hollow body than towards a center of the hollow body as it would have been an obvious matter of engineering design choice to choose to pressurize different chambers with selected pressure in order to provide different required stiffness and strength for different sections of the support.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jap (7-173898) in view of Lewis (3830519).

Jap(.898) shows all the claimed limitations except for the at least two compression/tension load-bearing elements are fixed on the hollow body via at least one of either a plurality of bands that extend around the hollow body and are fixed on the load-bearing elements; pockets, wherein the at least two load-bearing elements are inserted into said pockets; and welt-type connections.

Lewis shows at least two compression/tension load-bearing elements (22) are fixed on the hollow body via a plurality of bands that extend around the hollow body and are fixed on the load-bearing elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Jap's disclosure to show at least two compression/tension load-bearing elements (22) are fixed on the hollow body via a plurality of bands that extend around the hollow

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body and are fixed on the load-bearing elements as it would allow for the easy attachment of the load bearing elements to the support as taught by Lewis.

6. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jap (7-173898) in view of Lewis (3830519) as applied to claim 11 above and further in view of Isaac (3300910).

Jap(.898) as modified shows all the claimed limitations except for the hollow body is composed of at least one inner bladder inserted therein; the inner bladder is manufactured of an air-tight elastic membrane.

Isaac shows a pneumatic support having an outer cover (8), and inner bladder inserted therein; the inner bladder (16) is manufactured of an air-tight elastic membrane.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Jap's modified disclosure to show the hollow body is composed of at least one inner bladder inserted therein; the inner bladder is manufactured of an air-tight elastic membrane as taught by Isaac in order to provide a durable and puncture resistance structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different pneumatic support designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dieu Tran A

12/16/09